

14 MAY 2004



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In re Application of	:	DECISION ON
BOND, Anthony Wayne, et al.	:	
Application No.: 09/743,950	:	PETITIONS UNDER
PCT No.: PCT/AU99/00595	:	
Int. Filing Date: 23 July 1999	:	37 CFR 1.47(a)
Priority Date: 24 July 1998	:	
Attorney Docket No.: 3135/FBR	:	AND
For: INPUT/OUTPUT INTERFACE AND	:	
DEVICE ABSTRACTION	:	37 CFR 1.137(b)

This is a decision on applicants' "Renewed Petition Under 37 CFR §1.137(b)," filed in the United States Patent and Trademark Office (USPTO) on 23 December 2003.

BACKGROUND

On 23 July 1999, applicants filed international application PCT/AU99/00595, which claimed a priority date of 24 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 February 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 January 2001.

On 12 January 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 February 2001, the USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 May 2002, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to timely reply to the Notification of Missing Requirements filed 23 February 2001.

On 23 July 2002, applicants submitted the initial petitions under 37 CFR 1.137(b) and 37 CFR 1.183, which were accompanied by a statement from Shahan Islam.

On 09 September 2002, the Office mailed Decision On Petitions Under 37 CFR 1.183 and 37 CFR 1.137(b) dismissing applicants' petitions without prejudice. The decision set a two (2) month period for reply, running from the mail date of the decision. Extensions of time were available under 37 CFR 1.136(a).

On 28 July 2003, applicants filed a second petition to revive, along with a petition under 37 CFR 1.47(a).

On 30 September 2003, the Office dismissed the petition without prejudice.

On 23 December 2003, applicants submitted the instant renewed petition.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (2), (3) and (4) were previously satisfied.

Item (1) has now been satisfied.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The fee has been paid. Applicants have furnished evidence of their inability to locate the nonsigning inventor after a diligent effort. Applicants list the address of Mr. Ronald Mach, the non-signing inventor, as 7942 Wishing Well Road; Las Vegas, NV 89123. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

CONCLUSION

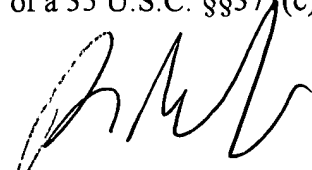
For the above reasons, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date of **28 July 2003**.



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In re Application of
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Application No.: 09/743,950
PCT No.: PCT/AU99/00595
Int. Filing Date: 23 July 1999
Priority Date: 24 July 1998
Attorney Docket No.: 3135/FBR
For: INPUT/OUTPUT INTERFACE AND DEVICE ABSTRACTION

Dear Mr. Mach:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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